

Mayor Joseph S. Kroll Council President James E. Woods
Council Vice President Jay G. Foy Council Member Jerry E. Beavers
Council Member Henry "Butch" Lynch Council Member Mark C. Uptegraph
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster



**TOWN OF HAVERHILL
Regular Town Council Meeting
November 8, 2007**

7:00 p.m.

**Town Hall – 4585 Charlotte Street
REVISED AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of minutes 10/25/07
 - b. Approval of the Town of Haverhill Urban Service Report for a proposed "Involuntary Annexation" to be placed before the registered voters of the proposed annexation area at the March 11, 2008 referendum.
- VI. COMMENTS FROM THE PUBLIC**
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- VIII. PROCLAMATIONS AND PRESENTATIONS**
- IX. SECOND READINGS AND PUBLIC HEARINGS**

None
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. First reading of Ordinance No. 363: Proposed amendments to Chapter 58 – District Regulation Revisions
 - b. First reading of Ordinance No. 364 – Proposed amendment to Chapter 38 – Parking Regulations
 - c. First reading of Ordinance No. 365: Proposed amendments to Chapter 54 – Subdivision Regulations
 - d. Acceptance of Financial Audit Report for FY ending September 30, 2006
 - e. Resolution R2007-08: A resolution of the Town of Haverhill amending the FY 2006 – 2007 Budget of the Town of Haverhill
 - f. Consider purchase of new truck

- g. Consider proposal from Wynn & Sons re: Durham Street drainage improvements

XI. REPORTS

Town Attorney

Mayor

Consultants

Assistant Town Administrator/Town Clerk

Committee/Delegate Report

Treasurer's Report (included in packet)

XII UNFINISHED BUSINESS

XIII NEW BUSINESS

XIV ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

Town of Haverhill
Regular Town Council Meeting
November 8, 2007
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, November 8, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Present were Council President James E. Woods, Council Vice President Jay G. Foy, Councilmember Jerry Beavers, Councilmember Henry Lynch, Councilmember Mark C. Uptegraph, Town Attorney John Foster, Town Clerk Janice C. Rutan and Code Enforcement/Public Works Director Joseph S. Roche. (Jack Horniman, Town Planner arrived later in the evening).

CALL TO ORDER:

Council President Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods offered the Invocation and led in the Pledge of Allegiance.

ROLL CALL:

All members of the Town Council were present with the exception of the Mayor.

APPROVAL OF AGENDA:

There being no additions, deletions or substitutions, the agenda was ordered approved as presented.

APPROVAL OF THE CONSENT AGENDA:

- a. Approval of the minutes of the 10/25/07 regular meeting
- b. Approval of the Town of Haverhill Urban Service Report for a proposed "Involuntary Annexation" to be placed before the registered voters of the proposed annexation area at the March 11, 2008 referendum.

A motion was made by Council Vice President Foy, seconded by Councilmember Lynch and unanimously passed to approve the Consent Agenda as presented.

COMMENTS FROM THE PUBLIC:

Tom Buckholtz, 5465 Stratford Road. Mr. Buckholtz addressed the Town Council about trespassers coming across the canal onto his property via the water pipe. The culvert that had been installed has not deterred the trespassers. He presented photographs of the trespassers that showed the suspects in hoods. He then presented photos that showed damage to his home from gunshots and damage to his vehicle that he alleges was caused by the trespassers.

Council President Woods reported that he had met with Mr. Buckholtz earlier in the evening and went over the photos in great detail. The Town Council expressed their concern for Mr. Buckholtz and asked Mr. Woods to speak with the Mayor to coordinate a

meeting with staff and representatives from Palm Beach County and the Lake Worth Drainage District to look at alternate ways to protect Mr. Buckholtz and the other residents in that neighborhood from trespassers. In addition, there was a suggestion that the gate be replaced with a larger gate and moved closer to Belvedere Road. Joseph Roche agreed to work with the Mayor in an attempt to address the issues raised by Mr. Buckholtz.

Mr. Buckholtz had contacted the Palm Beach County Sheriff's office in the past with regard to this matter.

COMMENTS FROM THE PALM BEACH SHERIFF'S OFFICE:

The Deputy Sergeant representing the Palm Beach County Sheriff's office reported that Mr. Buckholtz has been the victim of crime at his residence several times, most recently on October 21, 2007 when there was a vandalism reported. The Deputy offered to add Mr. Buckholtz's neighborhood to the Police Athletic League in an effort to provide extra curricular activities to the youths in the neighborhood. It was thought that perhaps local youths were the suspects in these instances.

FIRST READINGS AND REGULAR AGENDA:

ORDINANCE NO. 363: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 58, ZONING, BY AMENDING ARTICLE I, SECTION 58-8 BY REVISING THE DEFINITIONS FOR "BUILDING HEIGHT"; ARTICLE VI. DISTRICT REGULATIONS, DIVISION 3 AND 4, BY AMENDING THE MINIMUM LOT SIZE, MINIMUM LOT WIDTH, MAXIMUM LOT COVERAGE, AND MINIMUM SIDE SETBACK; AND BY AMENDING SECTIONS 58-166, 58-181 AND 58-196 TO REQUIRE THAT ALL DWELLINGS NOT EXCEED TWO STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The Title was read by Attorney Foster. **A motion was made by Councilmember Beavers and seconded by Councilmember Uptegraph to approve Ordinance No. 363 upon first reading.**

Discussion followed addressing the grade of the lot and the determination of building height relative to the grade of the property. Council Vice President Foy expressed his concern about whether the natural grade would be considered finished grade. As such, he would rather reduce the maximum building height than to base the height of the building on the grade of the property. He then recommended changing the proposed building height of 35 feet to 30 feet.

Noting that the tallest home built in town was at 27 feet, the Town Council felt comfortable setting the maximum height at 30 feet. Council Vice President Foy confirmed that the adoption of the Ordinance would not deem present structures non-conforming. The 30 feet maximum was exclusive of parapet walls.

Councilmember Lynch explained how the height of the building was arrived at. In addition, he noted that the chimney would have to be a minimum of 24" above the peak of roof. It was explained that Section 58-316 did allow for structures to be above the district height limitations upon approval by the Town Council.

Attorney Foster continued to highlight the specific amendments to the Ordinance.

After detailed review of the changes included in proposed Ordinance No. 363, the motion, as amended, was called for a vote. Councilmember Beavers accepted the amendment to his motion which changed the height limitation from 35 feet to 30 feet. Councilmember Uptegraph accepted the amendment and ratified his second to the motion. The motion as amended was then passed unanimously (5-0).

ORDINANCE No. 364: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 38, TRAFFIC AND VEHICLES BY AMENDING SECTION 38-9 TO NOT ALLOW MORE THAN 2 VEHICLES TO BE ADVERTISED FOR SALE DURING ANY SIX MONTH PERIOD; CLARIFY THAT PARKING OF RECREATIONAL VEHICLES, BOATS AND TRAILERS IS NOT ALLOWED ANYWHERE ON PRIVATE PROPERTY EXCEPT UNDER CERTAIN CONDITIONS; AND AUTHORIZING THE MAYOR TO ISSUE A PERMIT TO A RESIDENT UPON PROPER APPLICATION FOR EXTENDING THE TIME OF PARKING CERTAIN VEHICLES OR OTHERWISE PERMITTING A USE NOT ALLOWED ; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. **A motion was made by Council Vice President Foy and seconded by Councilmember Lynch to approve Ordinance No. 364 upon first reading.**

Attorney Foster reviewed the proposed amendments in detail. Clarification was made as to leaving the issuance of a permit up to the discretion of the Mayor or the Mayor's designee. It was decided to add language that the provision would not address the sale of recreational vehicles. Discussion followed as to what would constitute a reasonable cause.

It was then decided to add additional language that would require any request to park a recreational vehicle on residential property for more than seven (7) consecutive days be approved by the Town Council President in addition to the Mayor.

There being no further discussion, and the proposed amendments to Ordinance No. 364 accepted by Council Vice President Foy, and the second to the motion ratified by Councilmember Lynch, the motion passed unanimously (5-0).

ORDINANCE NO. 365: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS, BY AMENDING SECTION 54-5 TO REQUIRE A DETAILED SITE PLAN AND LANDSCAPE PLAN; AMEND SECTION 54-6 AND 54-9 TO REQUIRE THAT ALL WATER MANAGEMENT TRACTS NOT BE INCLUDED AS

PART OF THE LOT; AMENDING SECTIONS 54-6 AND 54-7 TO ALLOW THE COUNCIL TO VARY THE RIGHT-OF-WAY REQUIREMENT TO NO LESS THAN 40 FEET PROVIDED THERE IS ADEQUATE UTILITY EASEMENT AREA PROVIDED; ADDING PROVISIONS REGARDING BUILDING AND ARCHITECTURAL DESIGN STANDARDS AS SET FORTH IN SECTION 54-16; ADDRESSING VARIATIONS IN SECTION 54-17 REGARDING WORKFORCE HOUSING AND ADDING MISCELLANEOUS REQUIREMENTS REGARDING TIME OF COMPLETION, INSTALLATION REQUIREMENTS AND OTHER MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Foster.

A motion was made by Councilmember Lynch and seconded by Councilmember Uptegraph to approve Ordinance No. 365 on first reading.

Attorney Foster highlighted the specific text amendments to the Ordinance. The proposed Ordinance was reviewed in detail. Additional language was added to specific sections in an effort to clarify intent of the Ordinance.

Discussion followed.

Councilmember Lynch amended his motion to approve Ordinance No. 365 on first reading, as amended. Councilmember Uptegraph seconded the motion, as amended. The motion to approve Ordinance No. 365 on first reading passed unanimously (5-0).

RESOLUTION R2007-08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING THE 2006-2007 BUDGET OF THE TOWN OF HAVERHILL.

The Title was read by Attorney Foster. The Town Clerk offered Staff's report.

A motion was made by Council Vice President Foy, seconded by Councilmember Lynch and unanimously passed (5-0) to approve Resolution R2008-07 as presented.

Acceptance of Financial Audit Report for FY ending September 30, 2006

The Clerk explained that the Auditors were unable to present a clean copy of the report to the Town Council as the auditing firm of Grau & Associates needed to receive an original executed management letter to include in the report. Although the letter had been mailed on Tuesday, it had not yet been received by the firm. **A motion was then made by Council Vice President Foy, seconded by Councilmember Beavers table the matter to the next regular meeting.**

Authorize Purchase of New Truck

Code Enforcement Officer Joseph Roche presented three quotes received for the purchase of a new truck. Council President Woods provided the background information provided

to him by the Mayor. A motion was then made by Councilmember Lynch and seconded by Councilmember Beavers to authorize an amount not to exceed \$20,000. to purchase the truck and to outfit the truck subject to a budget allocation in that amount. The motion passed unanimously (5-0).

A motion was then made by Council Vice President Foy, seconded by Councilmember Uptegraph and unanimously passed to authorize a Budget Amendment in the amount of \$20,000 to be transferred from fund balance and transferred into Roads Capital Outlay (551.6400) to be used for the purchase of a new truck.

Consider proposal from Wynn & Sons re: Durham Street Drainage Improvements

The Town Engineer, Jeffrey Renault recommended the Town Council award Wynn & Sons Environmental Construction, Inc. the bid for the improvements to the Durham Street Drainage in the amount of \$19,900. The Town Clerk reported that there were funds available in the budget and that the Town had received funds from FEMA as the damage to the drainage was a result of Hurricane Wilma. A budget adjustment would not be required.

A motion was then made by Council Vice President Foy, seconded by Councilmember Lynch and unanimously passed to award the bid for the Durham Street Drainage Improvement project to Wynn and Sons in the amount of \$19,900 as per the plans and specifications dated September 27, 2007.

REPORTS:

Town Attorney – Attorney Foster presented a first draft of a letter to the School District of Palm Beach County regarding the Stacy Street Elementary school. The letter was in response to a letter received by the Attorney from Joseph Sanches, Chief of Facilities Management for the School District.

The Town Attorney expanded on the limitations set by the Town's Comprehensive Plan and Zoning Code and its relationship to the school's violation of those codes.

The intent of the letter would need to be very clear as the Town Council was certain that the letter would become a very public document.

The letter was reviewed in great detail. The Town Council was in agreement with the context of the letter and agreed that the Town of Haverhill would need to fight to protect the integrity and character of the Town.

A very lengthy discussion followed. It was clarified that the letter was not to be construed as an Agreement. An Agreement, if entered into, would be much more detailed and structured. The Agreement would be recorded in the Public Records.

The Attorney was giving thought as to who would receive copies of the letter. The letter was being sent as a representation for settlement options only.

The Council had previously authorized the Attorney to act on their behalf in this regard and was in support of the content of the letter.

Councilman Lynch expressed concern over the loss of revenue from the property tax rolls. It was agreed that the Town needed to remain consistent in its objection to the school only as it related to the violation of the Town's Comprehensive plan. The issue should not be clouded by any other objections to the school siting.

Council Vice President Foy supported the letter and stated that the Town needed to protect itself from other government entities as government was supposed to be for the people and by the people.

Mayor:

Not present.

Assistant Town Administrator/Town Clerk:

The Clerk reported that she would be attending the Florida Government Finance Officer's Association conference scheduled November 11 – 13, 2007 in Palm Beach Gardens.

Committee Delegate Reports:

Council Vice President Foy announced that the Town Clerk would be applying for a grant for the Briarwood Drainage Improvement project. The grant was similar to the Hazardous Mitigation Grant application (Pre-Storm Mitigation Grant). He did note that the application could become costly and the cost to benefit equation of the project may be difficult to support. Reductions to access and road improvements may be difficult to prove. The Clerk would work with the Town Engineer on filing the grant application.

He requested the Town Clerk schedule a Code and Ordinance committee meeting prior to the first meeting in December to discuss the proposed ordinance amendments for accessory buildings and congregate living facilities.

Councilmember Beavers reported that he would be attending a Mitigation Planning Workshop at the Palm Beach County EOC Building on November 27, 2007.

Mr. Woods reported that the Halloween Event was a success despite the inclement weather. The next event was scheduled January 11, 2008. A Special Events Committee meeting would be scheduled in December.

Unfinished Business

None.

New Business:

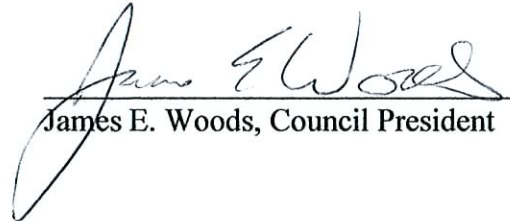
The Town Clerk that the Sunset Isles site plan amendment has been put on hold as the applicants had not paid the filing fee. A discussion followed concerning the amendment to the site plan and the relationship to the proposed Ordinances being considered by the Town Council. It was also noted that the property had been cited for Code Violations.

With no further action to come before the Town Council, a motion was made, seconded and passed unanimously to adjourn at 8:59 p.m.

Approved: December 13, 2007



Janice C. Rutan, Town Clerk



James E. Woods, Council President